



AGENT:	Mrs Caroline Legg - Phase 2 Planning and Development Ltd 270 Avenue West Skyline 120 Great Notley CM77 7AA	APPLICANT:	Bellway Homes Bellway Homes, and Nicola, Benjamin, Christopher, Eileen and Marcus Harrington Care of Phase 2 Planning Braintree CM77 7AA
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 21/02164/FUL **DATE REGISTERED:** 20th December 2021

Proposed Development and Location of the Land:

**Proposed construction of 14 dwellings, new access, landscaping and associated works.
Land South West of Crockleford Grange Bromley Road Ardleigh**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE**
PLANNING PERMISSION in accordance with the application form, supporting documents and
plans submitted for the following reason(s)

- 1 The application site lies outside of the Settlement Development Boundaries defined on the Policies Map and Local Maps of the adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 (TDLPS2). The Settlement Development Boundaries give effect to the overall spatial strategy for future growth in the Local Plan as described in Policy SP3 of the Section 1 Local Plan (TDLPS1) for North Essex and the settlement hierarchy in Policy SPL1 of the TDLPS2.

TDLP Section 2 Policy SPL2 states that to encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed in SPL1 (with the exception of the Tendring Colchester Borders Garden Community) is defined within a 'Settlement Development Boundary' as shown on the relevant Policies Map and Local Map. Within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans. Because the application site lies beyond the Settlement Development Boundary, the general presumption in favour of new development described in Policy SPL2 does not apply.

Policy SPL2 provides that outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted

through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in this Plan.

The application site falls within the broad location of the proposed Tendring Colchester Borders Garden Community. Policy SPL3 explains that the Garden Community will be the subject of a separate Development Plan Document (DPD) containing its own policies designed to guide the location of development in the defined broad location. Policy SP8 states no planning consent for development forming part of the garden community will be granted until the DPD has been adopted. The DPD is emerging through the plan-making process and is yet to be completed and adopted. Until work on the DPD has concluded and the spatial layout and allocation of different areas of land is confirmed, the proposed use of the land forming the application site, in the context of a comprehensively planned Garden Community is yet to be determined.

If permitted, the proposed development would represent piecemeal development at odds with the comprehensive and holistic approach to planning required for the Tendring Colchester Borders Garden Community. Furthermore, there is no exceptional justification for a departure from this approach on housing supply grounds as the Council is, at the time of this decision, able to identify a supply of deliverable housing sites well in excess of the five year requirement, with the relevant buffer, as required by the National Planning Policy Framework.

Having regard to the spatial strategy and settlement hierarchy this would not be an appropriate site for additional housing and is therefore contrary to TDLP Policies SP3, SP8, SPL1 and SPL2.

- 2 Adopted Local Plan Policy PPL9 states that new development affecting a listed building or its setting will only be permitted where the development will protect special architectural or historic interest. Paragraph 199 of the NPPF requires great weight to be given to the conservation of heritage assets. In this instance, the scale of harm that would result from the development is recognised as being at the lower end of 'less than substantial'. In accordance with Paragraph 202 of the NPPF, this harm should be weighed against the public benefits of the proposal.

The Council are able to demonstrate a healthy housing land supply in excess of 6 years and a policy compliant affordable housing provision of 30% is secured. The weight attributed to the benefits of the scheme from the delivery of new housing in the form of market and affordable housing is therefore diminished and the weight given to the conservation of the heritage assets takes precedence.

The site currently contributes positively to the wider setting and significance of the heritage assets and non-designated heritage asset. The harm resulting from the introduction of the proposed development onto historically undeveloped land and the change of use of the wider setting of the heritage assets is not outweighed by the public benefits. This setting is already in the process of been altered by the construction of the associated much larger development along Bromley Road. The cumulative impact of this development is also a consideration as the site currently offers an appropriate buffer to help mitigate the impact of the larger residential development on the setting of the farmyard complex.

For these reasons, the harm resulting from the proposed development is contrary to adopted Local Plan Policies SP7, SPL3 and PPL9 as well as Paragraphs 127, 199 and 202 of the NPPF. The identified harm is not outweighed by any public benefits.

DATED: 18th November 2022

SIGNED:



John Pateman-Gee
Planning Manager

NATIONAL AND LOCAL PLAN POLICIES AND GUIDANCE RELEVANT TO THIS DECISION:

National:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development
SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3 Spatial Strategy for North Essex
SP4 Meeting Housing Needs
SP7 Place Shaping Principles
SP8 Development & Delivery of a New Garden Community in North Essex
SP9 /Colchester Borders Garden Community

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP7 Self-Build and Custom-Built Homes
PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL6 Strategic Green Gaps
PPL7 Archaeology
PPL9 Listed Buildings
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility

- CP2 Improving the Transport Network
- CP3 Improving the Telecommunications Network
- DI1 Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

Draft Ardleigh Neighbourhood Plan 2020 – 2033 (DANP) (August 2022)

The following DANP policies are relevant: Policies GDP, HP, EP and TP

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Tendring Provision of Recreational Open Space for New Development SPD 2008

Draft Tendring / Colchester Borders Garden Community Development Plan (Garden Community Reg 18 Consultation now closed)

Essex Design Guide

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

INFORMATIVES:

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reasons for the refusal, approval has not been possible.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (including any updated or amended documents):

930-PL-001	Site Layout Red Line Plan
930-PL-002	REV D Proposed Block Plan
930-PL-023 A	Site Plan
930-PL-024 A	Amenity Layout
930-PL-025	Full Site Layout Red Line
930-PL-026 A	EV Charging Layout
930-PL-027 A	Wider Coloured Site Layout
PR221-01 D	Landscape Master Plan
02	Detailed Planning Proposal
1902/07/3060 B	Drainage Strategy - Phase 2
1902/07/7002 C	External Works - Phase 2
930-PL-030	Affordable Housing Location Plan
930-PL-003 A	Storey Heights Layout
930-PL-004 A	Refuse Layout

930-PL-005 A Parking Layout
930-PL-006 A Material Layout
930-PL-007 Ha79 House type - Floor Plans and Elevations
930-PL-008 Ha83 House type - Floor Plans and Elevations
930-PL-009 Chandler House type - Floor Plans and Elevations
930-PL-010 Jeweller House type Sheet 1
930-PL-011 Jeweller House type Sheet 2
930-PL-012 Quilter House type - Floor Plans and Elevations
930-PL-013 Thespian House type - Floor Plans and Elevations
930-PL-014 Sculptor House type - Floor Plans
930-PL-015 Sculptor House type - Elevations
930-PL-016 Fuller House type - Floor Plans and Elevations
930-PL-017 Single Garage - Floor Plans and Elevations
930-PL-018 Double Garage A - Floor Plans and Elevations
930-PL-019 Double Garage B - Floor Plans and Elevations
930-PL-021 Street Elevation (1)
930-PL-022 Street Elevation (2)
Archaeological Desk Based Assessment
Biodiversity Net Gain Design Stage Report
Ecological Assessment
Heritage Statement
Landscape/Visual Appraisal and Strategy
Arboricultural Impact Assessment
Construction Environmental Management Plan
Transport Statement

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.